

3/17/2009 Testimony In Opposition to HB 228

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SENATE JUDICIARY

EXHIBIT NO. 10

DATE 3/17/09

HB 228

Mr. Chair and Members of the Committee,

A couple of minutes into the movie "Tombstone," Wyatt Earp and his brothers hear a gunshot in the bar and two men come running out.

"You raise that arm..." one man says. The other man reaches for his gun and is immediately shot dead.

The sheriff approaches the scene,

"What was that about?"

"I won a hand, he called me a cheater." he replied.

"Hand over that gun." the sheriff says

"It was a fair fight, it was legal."

"Sorry boys that's the rules."

Ah, the Wild West. This may just be a movie, but with the passage of HB 228, shoot outs no longer have to be a fantasy.

The Citizen Self-defense and Firearm Rights" has implications that are disconcerting to say the least. The bill removes the necessity for a concealed weapons permit. It allows violent felons and sex offenders to carry concealed weapons without a permit, and entitles an individual, if they feel threatened, to produce and fire a gun in public.

Perhaps most damning, HB228 shifts the burden of proof for self-defense from the defendant to the prosecution. Currently, the defendant has to prove self-defense. If this bill passes, the state has to prove that an assault was not a case of self-defense. Think of how this would play out in cases of domestic violence; without any direct witnesses, the state would be hand tied to prosecute a spouse for violently attacking, injuring, or killing their partner.

In the heydays of the Montana territory, cowboys ran wild, hanging and shooting innocent victims for crimes they did not commit. There are some who wish to bring back such days of vigilante justice, some who forget what justice without jury looks like. HB228 permits this warped and arcane behavior; self professed vigilantes openly yielding guns and roaming public streets, ever on the alert for any subtle threat. I warn you, think twice before you raise that arm... lest you be shot out of self-defense.

Thank you for your attention, and as two students from the University of Montana we urge a do not pass.
Dustin Leftridge and Sean Morrison